

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in light of the following discussion is respectfully requested.

Claims 1-3 and 19-33 are pending in the present application, Claims 1-3 and 19-21 are amended and Claim 22-33 are added. Support for the amendments can be found at least at page 2, lines 13-21 and page 53, lines 5-21 of the specification. Support for new Claims 32 and 33 is found, for example, in the original claims. Thus, no new matter is added.

The outstanding Office Action rejects Claims 1-3 and 19-21 under 35 U.S.C. § 102(e) as anticipated by Wiser et al (U.S. Pat. No. 6,330,675, hereinafter "Wiser").

Applicants and Applicants' representative wish to thank Examiner Hashemi and Supervisory Examiner Metjahic for the interview granted on October 6, 2004. During the interview, the outstanding rejections were discussed in detail. Further, during the interview amended claims along the lines presented herewith were discussed and arguments as hereinafter discussed were presented. During the interview Examiners indicated that such amended claims appeared to distinguish over the current rejections, and that they would update their search in view of the amended claims when such amended claims are formally presented in a filed response.

Applicants respectfully traverse the rejection of Claims 1-3 and 19-21 under 35 U.S.C. § 102(e) as anticipated by Wiser for the following reasons.

To establish anticipation of Claims 1-3 and 19-21 under 35 U.S.C. § 102(e), the outstanding Office Action must show that each and every feature recited in Claims 1-3 and 19-21 is either explicitly disclosed or necessarily present in Wiser.¹

The Official Action asserts that Wiser discloses all of the Applicants' claim limitations. In Wiser, two decryption engines are used.² "The first decryption engine

¹ See MPEP § 2131.

incrementally decrypts the encrypted digital file, which is then preprocessed and re-encrypted to form an intermediate file. The second decryption engine then incrementally decrypts the intermediate file and writes the decrypted results to a local recordable storage medium.”³

Claim 1 as amended recites an apparatus for managing using condition information corresponding to content data comprising, *inter alia*, means for receiving using condition information described in a first format, the using condition information indicating usage rules corresponding to content data, and means for converting the first format of the using condition information into a second format, said second format being different from the first format.

As agreed during the interview Wiser does not disclose or suggest using condition information which indicates usage rules corresponding to content data. Accordingly, as agreed during the interview Wiser does not disclose the above-mentioned means for receiving using condition information. Furthermore, Wiser does not disclose the above-mentioned means for converting a first format of the using condition information into a second format.

It appears as though the outstanding Office Action is construing the claim language “format” such that “the format of using condition information” of Applicants’ claims may include an encryption or decryption format. Yet, Applicants’ specification clearly distinguishes the format of using condition information from the format of the content data encryption system.⁴ Moreover, Fig. 9A provides an example of a format of using condition information, and this example clearly distinguishes the format of using condition information from the format of the content data encryption system. “Meaning of words used in a claim [should be construed] in the context of the specification and drawings.”⁵

Accordingly, Applicants respectfully submit that Wiser does not disclose or suggest means

² See Abstract of Wiser.

³ Id.

⁴ See, e.g., page 5, line 14 – page 6, line 4, page 6 and page 6, line 9 – page 6, line 19.

⁵ MPEP § 2106, page 2100-8.

for receiving using condition information described in a first format, the using condition information indicating usage rules corresponding to content data, and means for converting the first format of the using condition information into a second format, said second format being different from the first format, as recited in Claim 1, as amended.

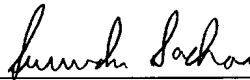
In view of the failure of Wiser to disclose or suggest all features of Claim 1, as amended, Applicants submit that Claim 1 is patentable and the rejection of Claim 1 under 35 U.S.C. § 102(e) should be withdrawn. Independent Claims 2, 3, and 19-21 as amended, although of different scope and/or statutory class, include recitations similar to those in amended Claim 1 discussed above. Thus, Applicants respectfully request that the rejection of Claims 2, 3, and 19-21 be withdrawn as well.

New independent Claim 26 recites substantially similar limitations to those discussed above and are provided for presenting the Applicants' invention in a format which does not invoke 35 U.S.C. § 112, 6th paragraph (means-plus-function format). Accordingly, Applicants submit that new Claim 26 is likewise allowable. New dependent Claims 22-25 and 27-31 depend from Claims 1 or 26. New independent Claims 32 and 33 also recite substantially similar limitations to those discussed above. Accordingly, Applicants respectfully submit that Claims 22-25 and 27-33 are allowable at least for this reason in addition to the novel and non-obvious features recited therein.

Consequently, in view of the present amendment and light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-3 and 19-33 as amended, is definite and patentable defines over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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